

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2208

EGWU NWAKA,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-374-959)

Submitted: July 23, 2004

Decided: August 23, 2004

Before LUTTIG, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Joshua A. Moses, JOSHUA MOSES & ASSOCIATES, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Michael P. Lindemann, Assistant Director, Jason S. Patil, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Egwu Nwaka, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals affirming the immigration judge's denial of asylum and withholding of removal. For the reasons discussed below, we deny the petition for review.

Nwaka asserts that his testimony was credible and corroborated and contends that he established his eligibility for asylum. To obtain reversal of a determination denying eligibility for asylum, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Nwaka fails to demonstrate that his evidence compels a different result. Accordingly, we cannot grant the relief that Nwaka seeks.

Additionally, we uphold the immigration judge's denial of Nwaka's application for withholding of removal. The standard for withholding of removal is more stringent than that for granting asylum. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Because Nwaka fails to establish his

eligibility for asylum, he cannot meet the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED